

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

LETTERS PATENT APPEAL NO. 136 OF 2006

IN

WRIT PETITION NO. 9372 OF 2006

CROMPTON GREAVES LTD. . . APPELLANT

Versus

NOOR MOHAMAD IBRAHIM
SHAIKH KUMBHAR ALI & ORS. RESPONDENTS

Mr. S. P. Sarkar for appellant

Mr. Arshad Shaikh i/b V.M. Parkar for respondents

CORAM: -SMT. RANJANA DESAI &

A.P. DESHPANDE, JJ.

DATED: -8/8/2006

P.C.

Order dated 20/4/06 passed by the learned Single Judge in Writ Petition No. 9372 of 2005 is under challenge.

2. Before the learned Single Judge, order dated 18/12/05 passed by the Labour Court directing the appellant to reinstate respondent 1 ("complainant" for convenience) or to deposit 90% of the wages of

the complainant in the court till disposal of the complaint and order dated 28/11/05 passed by the Industrial court confirming the said order were under challenge. The appellant had also challenged order dated 20/12/05 passed by the Labour Court striking out the defences of the appellant and directing the appellant to deposit 90% of the wages of the complainant with effect from 18/12/99. The learned Single Judge did not find any reason to interfere with the said orders.

3. We have heard the learned counsel for the appellant. We are of the opinion that the impugned order does not merit any interference as it is well reasoned.

4. In the circumstances of the case, in our opinion, the following order will meet the ends of justice;

a) The appellant shall deposit 90% of the wages of the complainant in the Labour Court, Thane as directed by the third Labour Court, Thane, by its order dated 20/12/05.

b) The complainant shall file an undertaking in

this court to the effect that in the event of the appellant succeeding in the complaint, he shall bring back the amount withdrawn by him pursuant to the above mentioned order of the Labour Court. The undertaking be filed within two weeks from today. The complainant shall intimate the fact that he has filed the necessary undertaking in this court to the Labour Court and the Labour Court will then allow the complainant to withdraw the deposited amount.

c) The order dated 20/12/06 passed by the third Labour Court is set aside to the extent to which it strikes off the defences of the appellant. The appellant is permitted to file written statement. The complaint shall then proceed.

d) The Labour Court shall deal with the complaint independently and without being influenced by any observations made by the learned Single Judge in his order dated 20/4/06.

e) Letters Patent Appeal is disposed of.

(SMT. RANJANA DESAI, J.)

(A.P. DESHPANDE, J.)